

COMMISSION MEETING MINUTES

DECEMBER 18, 2014

A MEETING OF THE BOARD OF COMMISSIONERS OF THE CITY OF JOHNSON CITY, TENNESSEE was held in the Commission Chambers of the Municipal and Safety Building, 601 East Main Street, Johnson City, Tennessee on Thursday, December 18, 2014.

PRESENT: Mayor Ralph Van Brocklin, Vice-Mayor Clayton Stout, Commissioners Jenny Brock and David Tomita, Pete Peterson, City Manager, and Janet Jennings, City Recorder.

ABSENT: Commissioner Jeff Banyas.

Mayor Ralph Van Brocklin called the meeting to order at 6:07 p.m.

At this time, Lester Lattany, Pastor, New Jerusalem Baptist Church, gave the invocation, which was followed by the pledge of allegiance.

Upon motion by Commissioner Jenny Brock, seconded by Commissioner David Tomita, the following resolution was offered for adoption. The motion **carried** by four ayes. There were no nay votes.

BE IT RESOLVED BY THE BOARD OF COMMISSIONERS OF THE CITY OF JOHNSON CITY, That the minutes of the regularly scheduled City Commission Meeting held on Thursday, December 4, 2014, be and the same are hereby approved.

Upon motion by Commissioner Jenny Brock, seconded by Commissioner David Tomita, the following resolution was offered for adoption. The motion **carried** by four ayes. There were no nay votes.

BE IT RESOLVED BY THE BOARD OF COMMISSIONERS OF THE CITY OF JOHNSON CITY, That Special Air Rights usage over the City on December 24th & 25th, as presented by S. Claus from the North Pole, be and the same is hereby approved.

At this time, Mayor Ralph Van Brocklin opened the public input session. No one spoke.

Upon motion by Commissioner David Tomita, seconded by Vice-Mayor Clayton Stout, the following resolution was offered for adoption. The motion **carried** by four ayes. There were no nay votes.

BE IT RESOLVED BY THE BOARD OF COMMISSIONERS OF THE CITY OF JOHNSON CITY, That a beer license for JC Portico, LLC, 3119 Bristol Highway, Suite 108, be and the same is hereby approved. Rafael Zabala, applicant, was present.

Upon motion by Commissioner David Tomita, seconded by Vice-Mayor Clayton Stout, the following resolution was offered for adoption. The motion **carried** by four ayes. There were no nay votes.

BE IT RESOLVED BY THE BOARD OF COMMISSIONERS OF THE CITY OF JOHNSON CITY, That a one-lane street closure on State of Franklin Road from 9:00 a.m. on Wednesday, February 11, 2015, until 4:00 p.m. on Friday, February 15, 2015, and from 6:00 p.m. on Sunday, February 15, 2015, until 5:00 p.m. on Monday, February 16, 2015, as requested by Lisa Luster, for the Johnson City Area Home Builders Association Annual Home and Garden, be and the same is hereby approved. Present: Lisa Luster, Home Builders Association Executive Director, and Tim Hicks, immediate past President.

Upon motion by Vice-Mayor Clayton Stout, seconded by Commissioner Jenny Brock, the following resolution was offered for adoption. The motion **carried** by four ayes. There were no nay votes.

BE IT RESOLVED BY THE BOARD OF COMMISSIONERS OF THE CITY OF JOHNSON CITY, That the Consent Agenda for December 18, 2014, be and the same is hereby approved.

CONSENT AGENDA:

A. GENERAL:

i. Water & Sewer Services

Approve execution of the State of Tennessee Department of Transportation (TDOT) Contract 8254 (Water) and Contract 8255 (Sewer) for Lark Street Project

ii. Water & Sewer Services

Consider the Revised Work Order #26 from Tank Industry Consultants requesting additional funds in the amount of \$6,387.66 for Resident Construction Inspection on the Rehabilitation Services for Watauga Backwash and Tri-County Industrial Park Water Tanks

iii. Police Department

Review and consider the Sub-Grant Recipient Agreement for the Appalachia High Intensity Drug Trafficking Area (HIDTA)

iv. Police Department

Consider the Memorandum of Understanding with Legal Aid of East Tennessee for the Family Justice Center with respect to the Year One of the Grant Program

v. **Police Department**

Consider the Memorandum of Understanding with Frontier Health for the Family Justice Center with respect to the Year One of the Grant Program

vi. **Police Department**

Consider the Memorandum of Understanding with First Tennessee Human Resource Agency's Safe Passage Program for the Family Justice Center with respect to the Year One of the Grant Program

vii. **Police Department**

Consider the Memorandum of Understanding with First Judicial District Attorney General's Office for the Family Justice Center with respect to the Year One of the Grant Program

viii. **Police Department**

Consider the Memorandum of Understanding with Washington County Sheriff's Office for the Family Justice Center with respect to the Year One of the Grant Program

ix. **Police Department**

Consider the Memorandum of Understanding with Washington County, Tennessee for the Family Justice Center with respect to the Year One of the Grant Program

x. **Police Department**

Consider the Memorandum of Understanding with United Way of Washington County for the Family Justice Center with respect to the Year One of the Grant Program

xi. **Administration**

Consider approval of a resolution requesting the Washington County legislative delegation sponsor legislation to increase the cap on the hotel/motel rate

xii. **Finance**

Consider a revised Agreement with respect to the development of the Downtown Event Facility between the City of Johnson City and the Johnson City Development Authority

xiii. **Finance**

Consider Fiscal Year 2014 / Tax Year 2013 TIF Payment in the amount of \$163,608.00

B. INVOICES:

- i. J.E. Green..... \$196,862.56
Finance ~ Pay Request #5
Construction of Kermit Tipton New Field House
Funding Source: Donations & Fees Reserved for Fieldhouse
- ii. Shaw and Shanks Engineering..... \$404.80
Johnson City Schools ~ Pay Request #5 ~ **FINAL PAYMENT**
Science Hill High School Sidewalk Canopies Project
Funding Source: Washington County Bond Fund
- iii. Mattern and Craig..... \$2,650.00
Public Works Department
VA Access Road
Funding Source: Federal HPP and 20% Local Funds
- iv. Gresham, Smith and Partners..... \$3,499.84
Public Works Department
Construction, Engineering and Inspection for ITS Project
Funding Source: 80% Federal, 10% State and 10% Local Funds
- v. Stansell Electric Company..... \$50,007.40
Public Works ~ Pay Request #14
ITS Project
Funding Source: Capital Projects Account

- vi. Littlejohn Engineering..... \$1,000.00
Water & Sewer Services ~ Task Order #1
Cash Hollow Sewer Basin Evaluation and Rehabilitation
Funding Source: Water & Sewer Budgeted Expense
- vii. Hazen & Sawyer.....\$7,000.00
Water & Sewer Services
Services for Lower Brush Creek Interceptor Replacement
Funding Source: Water & Sewer Bond Funded
- viii. Portland Utilities..... \$211,774.20
Water & Sewer Services ~ Pay Request #3
Johnson City Sewer Rehabilitation for 2014
Funding Source: Water & Sewer Budgeted Expense
- ix. Thomas Construction Company..... \$67,461.39
Water & Sewer Services ~ Pay Request #7
Galvanized Replacement Project
Funding Source: Water & Sewer Budgeted Expense
- x. Tank Industry Consultants.....\$11,951.85
Water & Sewer Services ~ Resident Observation of the
Watauga Wash Tank and Tri-County Industrial Park Tank
Funding Source: Water & Sewer Budgeted Expense
- xi. Johnson City Power Board.....\$32,810.45
Freedom Hall Civic Center ~ **FINAL PAYMENT**
Liberty Bell/Freedom Hall Electrical Upgrade
Funding Source: Washington County Bond Fund and
Capital Projects Fund

C. BIDS:

i. ITB #5876

Gov Connection.....\$78,623.40

Johnson City Schools ~ Dell Computers

Funding Source: Title 1 Funds

TABULATION OF BIDS
CITY OF JOHNSON CITY, TENNESSEE
NOVEMBER 26, 2014
ITB #5876 DELL MINITOWER COMPUTERS -SCHOOLS

	Unit Price	Total	
	(118/each)		
OM Office Supply	760.00	89,680.00	
Alternate	728.00	85,904.00	
Mid-Atlantic Data Systems	925.00	109,150.00	
TUC Technologies	689.00	81,302.00	
Mitech Technology	744.95	87,904.10	
PC Quest Inc	799.00	94,282.00	
SOS Computer/Technology Express	863.91	101,941.38	
PC Connection/GovConnection	666.30	78,623.40	
Personal Computer Systems	678.00	80,004.00	
Ricoh	917.45	108,259.10	
<u>No Response:</u> Zones, Sparco, Dell, Provenlage			
RECOMMEND ACCEPTANCE OF LOW BID, CIRCLED ABOVE. TOTAL PURCHASE \$78,623.40			

ii. ITB #5877

Stowers Machinery.....\$201,000.00

Public Works ~ Solid Waste Department

Used Track Loader

Funding Source: Solid Waste Capital Fund

TABULATION OF BIDS
CITY OF JOHNSON CITY, TENNESSEE
NOVEMBER 26, 2014
ITB #5877 USED TRACK LOADER-PW/STREET

	Unit Price	Trade-In (deduct)	TA-2 inspection	Total
Stowers	214,000.00	(14,000.00)	1,000.00	201,000.00
Decline: ATCO Equipment				
No Response: Contractor's Machinery, Fleet Equipment, Bradley Equipment Company, Bobcat of Chattanooga, Que Sales Inc, Cat Auctions				
RECOMMEND ACCEPTANCE OF ONLY BID RECEIVED.				

iii. ITB #5878

CDW Inc.\$25,560.00

Johnson City Schools ~ Epson Interactive Projectors

Funding Source: Title 1 Funds

TABULATION OF BIDS
CITY OF JOHNSON CITY, TENNESSEE
NOVEMBER 26, 2014
ITB #5878 EPSON INTERACTIVE PROJECTORS-SCHOOLS

	Unit Price	Total		
	(18/ea)			
OM Office Supply	1,815.00	32,670.00		
PC Net	2,027.84	36,501.12		
SDF Computers	1,850.00	33,300.00		
B&H Foto & Electronics	1,934.00	34,812.00		
Mid-Atlantic Data Systems	2,050.00	36,900.00		
Aprisa Technology	2,022.82	36,410.76		
Saltech Inc	2,003.00	36,054.00		
Peacock Enterprise	1,890.00	34,020.00		
IvyServe Web Solutions	2,016.11	36,289.96		
Central Technologies	1,428.00	25,704.00		
ford AV	1,998.00	35,964.00		
SOS Computers/Technology Express	1,527.51	27,495.18		
CDW	1,420.00	25,560.00		
Unbound Digital	1,988.00	35,784.00		
Visionworx/CCS Presentation System	1,422.00	25,596.00		
Personal Computer Systems	1,560.00	28,080.00		
Perlmutter Purchasing Power	1,802.25	32,440.50		
Business Services	2,089.98	37,619.64		
Troxell Communications	1,558.00	28,044.00		
Adorama Camera	1,972.00	35,496.00		
PC Connection/GovConnection	1,475.12	26,552.16		
AVI-SPL	1,871.00	33,678.00		
Ricoh	1,907.60	34,336.80		
Decline: Southeastern Laser, Valiant National AV Supply, Brodat Co.				
No Response: Provantage, Dell, Sparco, Zones, Puals				
RECOMMEND ACCEPTANCE OF LOW BID, CIRCLED ABOVE. TOTAL PURCHASE \$25,560				

D. PURCHASES:

i. Johnson Controls..... \$33,659.00

Freedom Hall Civic Center ~ **EMERGENCY PURCHASE**

Chiller

Funding Source: Capital Facilities Fund

At this time, Mayor Ralph Van Brocklin opened the floor for public input regarding Ordinance No. 4570-14. Jamie Dove, owner, Main Street Pizza Company, expressed concerns regarding parking, food trucks having an unfair advantage, and a lack of communication. Dan Numan, owner, Numan's Café and Sports Bar, expressed concern regarding market saturation. Andreas Herholz, owner, Freiberg's, expressed concern regarding a lack of communication. Kin Rhoton and Jason Howz, food truck owners, addressed the City Commission Board.

Upon motion by Commissioner David Tomita, seconded by Mayor Ralph Van Brocklin, **Ordinance No. 4570-14**, "AN ORDINANCE TO AMEND THE CODE OF ORDINANCES REGARDING FOOD TRUCK/TRAILERS WITHIN PUBLIC RIGHT-OF-WAY," ***failed to pass on second reading***. Mayor Ralph Van Brocklin and Commissioner David Tomita voted aye. Vice-Mayor Clayton Stout and Commissioner Jenny Brock voted nay.

At this time a public hearing was held regarding Ordinance No 4571-14. No one spoke for or against this item.

Upon motion by Commissioner Jenny Brock, seconded by Vice-Mayor Clayton Stout, **Ordinance No. 4571-14**, "AN ORDINANCE TO REZONE 1404 WEST STATE OF FRANKLIN ROAD FROM B-4 (PLANNED ARTERIAL BUSINESS) TO B-3 (SUPPORTING CENTRAL BUSINESS)," was ***passed on second reading***. The motion ***carried*** by four ayes. There were no nay votes.

At this time a public hearing was held regarding Ordinance No. 4572-14. Richard McClain, Johnson City Housing Authority, spoke in support of the ordinance.

Upon motion by Vice-Mayor Clayton Stout, seconded by Commissioner Jenny Brock, **Ordinance No. 4572-14**, "AN ORDINANCE TO REZONE PROPERTY ALONG MARKET STREET FROM 1-2 (HEAVY INDUSTRIAL DISTRICT) TO R-4 (MEDIUM DENSITY RESIDENTIAL)," was ***passed on second reading***. The motion ***carried*** by four ayes. There were no nay votes.

Upon motion by Commissioner David Tomita, seconded by Vice-Mayor Clayton Stout, the following resolution was offered for adoption. The motion ***carried*** as follows: Mayor Ralph Van Brocklin, Vice-Mayor Clayton Stout and Commissioner David Tomita voted aye. Commissioner Jenny Brock was absent from the Chambers. There were no nay votes.

BE IT RESOLVED BY THE BOARD OF COMMISSIONERS OF THE CITY OF JOHNSON CITY, That the Concept Plan for the rezoning of the property located along Market Street from 1-2 (Heavy Industrial District) to R-4 (Medium Density Residential), be and the same is hereby approved.

Upon motion by Commissioner David Tomita, seconded by Commissioner Jenny Brock, **Ordinance No. 4566-14**, "AN ORDINANCE TO CONVEY PROPERTY TO COALYARD RESTORATION, LLC," was ***passed on third reading***. The motion ***carried*** by four ayes. There were no nay votes.

ORDINANCE NO. 4566-14

AN ORDINANCE AUTHORIZING THE CONVEYANCE TO COALYARD RESTORATION, LLC OF A CERTAIN PARCEL OF REAL PROPERTY OWNED BY THE CITY OF JOHNSON CITY, AND LOCATED IN THE NINTH (9TH) CIVIL DISTRICT OF WASHINGTON COUNTY, TENNESSEE UPON THE TERMS AND CONDITIONS CONTAINED HEREIN AND REPEALING ALL ORDINANCES AND PARTS OF ORDINANCES IN CONFLICT HEREWITH

BE IT ORDAINED BY THE CITY OF JOHNSON CITY as follows:

SECTION I. That the conveyance is hereby authorized to Coalyard Restoration, LLC of a certain parcel of property located in the Ninth (9th) Civil District of Washington County, Tennessee and shown as Lot 1 on Exhibit "A" which is attached hereto and incorporated herein.

Conveyance of the above referenced property is hereby authorized in an "as is" condition and in the event the Board of Commissioners of the City of Johnson City, Tennessee and Coalyard Restoration, LLC both approve an agreement in the future for the sale and conveyance of the property shown as Lot 1 on Exhibit "A."

SECTION II. BE IT FURTHER ORDAINED that all ordinances and parts of ordinances in conflict herewith be and the same are hereby repealed.

SECTION III. BE IT FURTHER ORDAINED that this ordinance shall take effect from and after its passage on third and final reading as required by law, the public welfare requiring it.

PASSED IN OPEN, PUBLIC MEETING
ON THE FIRST READING 16 OCT. 2014

PASSED IN OPEN, PUBLIC MEETING
ON THE SECOND READING 06 NOV 2014

PASSED IN OPEN, PUBLIC MEETING
ON THE THIRD READING 18 DEC 2014

APPROVED AND SIGNED IN OPEN
MEETING ON THE 18th DAY OF
December, 2014
FOLLOWING PASSAGE ON THIRD
READING

/s/ Ralph Van Brocklin
MAYOR

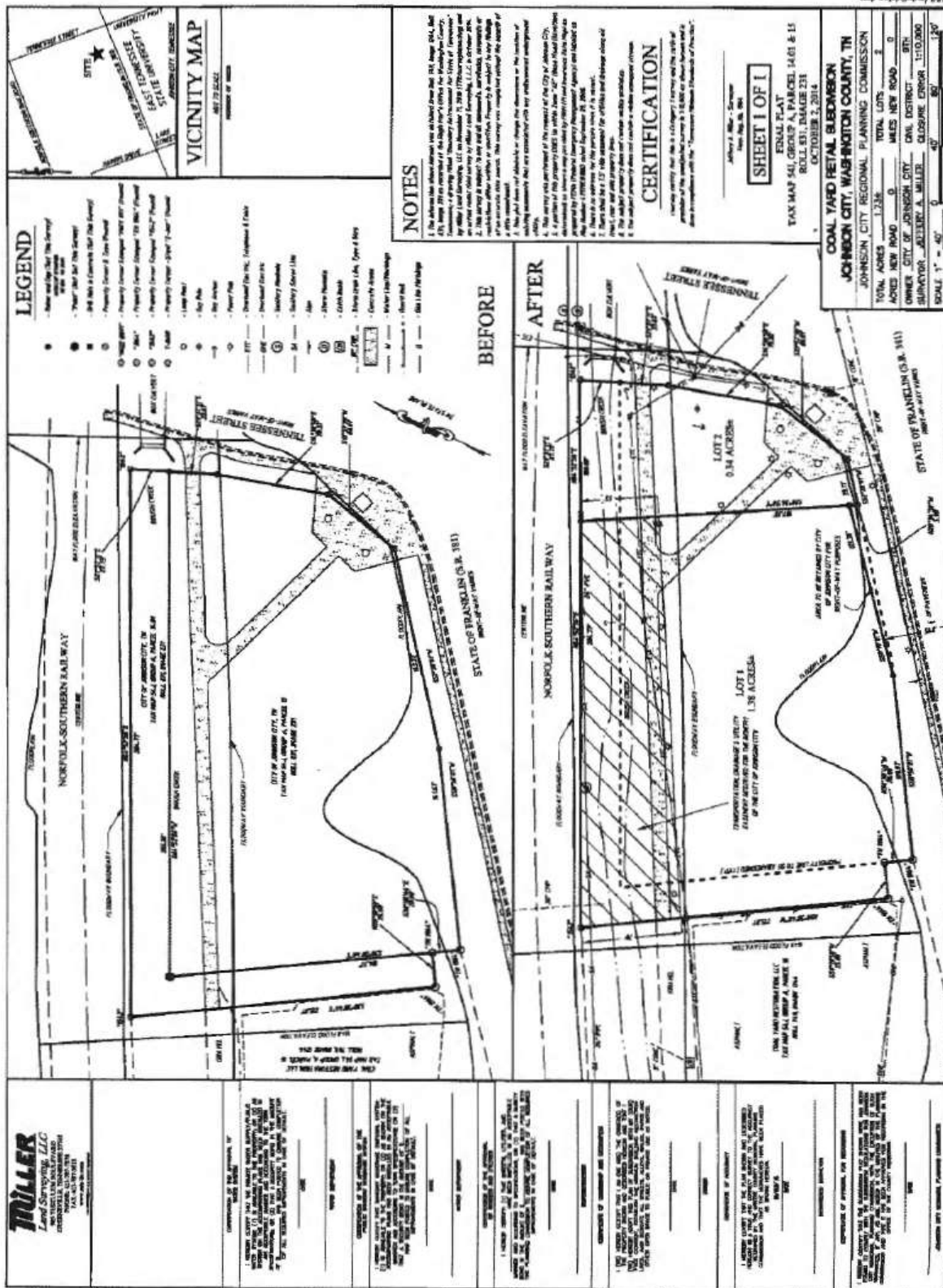
ATTEST:

/s/ Janet Jennings
City Recorder

APPROVED AS TO FORM:

/s/ James H. Epps, IV
City Attorney

Exhibit "A"



Upon motion by Vice-Mayor Clayton Stout, seconded by Commissioner Jenny Brock, the following resolution was offered for adoption. The motion **carried** by four ayes. There were no nay votes.

BE IT RESOLVED BY THE BOARD OF COMMISSIONERS OF THE CITY OF JOHNSON CITY, That an Agreement of Sale with Coalyard Restoration, LLC, for the development of 1120 West State of Franklin Road, Johnson City, Tennessee, be and the same is hereby approved.

Upon motion by Commissioner Jenny Brock, seconded by Commissioner David Tomita, the following resolution was offered for adoption. The motion **carried** as follows: Mayor Ralph Van Brocklin and Commissioners Jenny Brock and David Tomita voted aye. Vice-Mayor Clayton Stout was absent from the Chambers. There were no nay votes.

BE IT RESOLVED BY THE BOARD OF COMMISSIONERS OF THE CITY OF JOHNSON CITY, That a revised Fiscal Year 2014-2015 CDBG Homeowner Rehabilitation Program Contract with First Tennessee Development District in the amount of \$270,890, be and the same is hereby approved.

Upon motion by Commissioner Jenny Brock, seconded by Vice-Mayor Clayton Stout, the following resolution was offered for adoption. The motion **carried** by four ayes. There were no nay votes.

BE IT RESOLVED BY THE BOARD OF COMMISSIONERS OF THE CITY OF JOHNSON CITY, That the Signal Maintenance Agreement for State Route 36 at Mountain View Road, be and the same is hereby approved.

At this time, Janet Jennings, Finance Director, presented four (4) Reports on Debt Obligation - State Form CT-0253 for the recent borrowings through Capital Outlay notes and loan agreements.

Upon motion by Commissioner David Tomita, seconded by Vice-Mayor Clayton Stout, the following resolution was offered for adoption. The motion **carried** by four ayes. There were no nay votes.

BE IT RESOLVED BY THE BOARD OF COMMISSIONERS OF THE CITY OF JOHNSON CITY, That the four (4) Reports on Debt Obligation - State Form CT-0253, be and the same are hereby approved.

Upon motion by Commissioner Jenny Brock, seconded by Vice-Mayor Clayton Stout, the following resolution was offered for adoption. The motion **carried** by four ayes. There were no nay votes.

BE IT RESOLVED BY THE BOARD OF COMMISSIONERS OF THE CITY OF JOHNSON CITY, That the City Facility Naming Policy, be and the same is hereby approved.

At this time, a motion made by Commissioner David Tomita and seconded by Commissioner Jenny Brock to apply the City Facility Naming Policy to the "Take it to the Topp" naming rights, was **withdrawn**.

Upon motion by Commissioner David Tomita, seconded by Commissioner Jenny Brock, the following resolution was offered for adoption. The motion **carried** by four ayes. There were no nay votes.

BE IT RESOLVED BY THE BOARD OF COMMISSIONERS OF THE CITY OF JOHNSON CITY, That the adoption of The Take it to the Topp Naming Rights Policy, with the elimination of general stipulation "#1. Naming opportunities for contributors will be removed after ninety (90) days if payment is not made when due;" and the addressing of installment payments relating to naming rights will be addressed in the City Facility Naming Policy, be and the same is hereby approved.

Upon motion by Commissioner Jenny Brock, seconded by Vice-Mayor Clayton Stout, the following resolution was offered for adoption. The motion **carried** by four ayes. There were no nay votes.

BE IT RESOLVED BY THE BOARD OF COMMISSIONERS OF THE CITY OF JOHNSON CITY, That \$20,000 in matching funds for the Mountain View Elementary System of Care Grant, as requested by Frontier Health, be and the same is hereby **denied**.

At this time, Lisa Chamness, Freedom Hall Director, presented an update on Freedom Hall Civic Center Activity.

At this time, Police Chief Mark Sirois and Becky Haas, TCCRP Director, made a presentation regarding Johnson City Community Involvement.

At this time, Fire Chief Mark Scott presented a Status Report on Public Safety Recommendations.

At this time, City Manager Pete Peterson presented the City Manager's Report.

COMMISSION CONCERNS:

- 1. Commissioners requested that a discussion regarding the AVL and 9-1-1 partial funding be placed on the next agenda.**

There being no further business or discussion, Mayor Ralph Van Brocklin adjourned the meeting at 9:59 p.m.

RALPH VAN BROCKLIN
MAYOR

JANET JENNINGS
CITY RECORDER

ITEMS DEFERRED:

1. None.

ACTION ITEMS:

1. Commissioners requested that a discussion regarding the AVL and 9-1-1 partial funding be placed on the next agenda.